IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE A.GOPAL REDDY**

**WRIT PETITION NO : 18681 of 2004**

Between:

1 M.Nataraj, s/o M.C.Somappa,
r/o Yemmiganoor Town, Kurnool District.
2 M.P.Keshavulu, s/o M.C.Somappa,
r/o Yemmiganoor Town, Kurnool District.
3 B.Kotturu Basappa, s/o B.Nanjudappa,
r/o Yemmiganoor Town, Kurnool District.
4 T.Md.Haneef Sab, s/o T.Khader Sab,
r/o Yemmiganoor Town, Kurnool District.
5 P.Habeeb, s/o P.Rahim Sab,
r/o Yemmiganoor Town, Kurnool District.
6 B.Narasanna, s/o B.C.Thammaiah,
r/o Yemmiganoor Town, Kurnool District.
7 M.Somanna, s/o M.Sankarappa,
r/o Yemmiganoor Town, Kurnool District.
8 K.Mallaiah, s/o K.Ramalingappa,
r/o Yemmiganoor Town, Kurnool District.
9 G.Adenna, s/o G.Yellappa,
r/o Yemmiganoor Town, Kurnool District.
10 T.Shamuddin, s/o T.Md.Haneef Sab,
r/o Yemmiganoor Town, Kurnool District.
11 T.Md.Iqbal, s/o T.Md.Haneel,
r/o Yemmiganoor Town, Kurnool District.
12 T.Inayatulla, s/o T.A.Sattar Sab,
r/o Yemmiganoor Town, Kurnool District.
13 T.A.Saleem, s/o T.C.Kasam Saheb,
r/o Yemmiganoor Town, Kurnool District.
14 K.C.Mallappa, s/o Ramalingappa,
r/o Yemmiganoor Town, Kurnool District.

**..... PETITIONERS**

AND

1 The Government of A.P., rep., by its Secretary, Revenue Department,

Secretariat, Hyderabad.
2 Government of Andhra Pradesh, rep., by its Secretary, Social Welfare

Department, Hyderabad.
3 The Chief Commissioner of Land Administration, Government of Andhra

Pradesh, Hyderabad.
4 The District Collector, Kurnool.
5 The Land Revenue Officer-cum-Revenue Divisional Officer, Adoni,

Kurnool District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of mandamus directing the 5th respondent to pass an award in accordance with the directions given by this Hon'ble Court in WP No.10102/2004 ignoring totally the proceedings in Rc.H.No.119/98 dt.21-09-2004, issued by the 4th respondent.

**Counsel for the Petitioner:MR.E.AYYAPU REDDY**

**Counsel for the Respondent No.: GP FOR REVENUE**

**The Court at the admission stage made the following ORDER:**

Heard learned counsel for the petitioners and learned Government Pleader for Revenue.

Petitioners own lands in an extent of Ac.74.00 in survey Nos. 17/A/1A and 64/A etc. in Yemmiganuru village and part of the above said lands were acquired by the respondents. As the negotiations with the District Level Committee, for fixing the market value, were failed, the matter was referred to the third respondent, before whom also the negotiations were proved futile. Petitioners requested the respondents to pass an Award, but in vain. Hence, the petitioner filed W.P.No.10102 of 2004 before this Court to direct the respondents to pay 80% of the market value, as determined by the respondents at the rate of Rs.81,900/- per acre and also to pass an Award, taking into

consideration the Government Memo dated 11.06.2003 directing the fourth respondent to take into consideration the existing market value of Rs.1,12,500/- per acre. This Court, through its order dated 24.06.2004, directed the fifth respondent to pass an Award within three weeks from the date of receipt of the Judgment, taking into consideration the evidence including the market value fixed by the Government and pay the compensation on the basis of the provisional market value. Accordingly, when the petitioners approached the fifth respondent, he informed that he had already sent proposals to the Joint Collector for fixing the market value at Rs.1,50,000/- per acre. Meanwhile, as the fourth respondent, in his proceedings Rc.H.119/98 dated 21.09.2004 requested the fifth respondent to submit regular award and award proceedings at the rate of Rs.42,000/-, Rs.43,000/- and Rs.46,00/- per acre in respect of Sy. Nos. 64/A etc., the fifth respondent failed to comply with the directions issued by this Court in W.P.No.10102 of 2004. Hence, this writ petition.

This Court in W.P.No.10102 of 2004 directed the fifth respondent to pass an Award, after conducting necessary enquiry, within a period of three months from the date of receipt of a copy of that order. It further observed that the Land Acquisition Officer is under obligation to consider the evidence, including the Judgment of this Court in A.S.No.1544 of 1986 and batch, as well as the market value fixed by the Government, while fixing the market value in the award proceedings and directed the Social Welfare Department to make 80% of the compensation available to the Land Acquisition Officer for disbursement within the period stipulated above.

Having heard the learned counsel on either side and having perused the material available on record, I am of the opinion that the proceedings dated 21.09.2004 passed by the fourth respondent calling upon the fifth respondent to submit regular Award and Award proceedings at the rate of Rs.42,000/-, Rs.43,000/- and Rs.46,000/- per acre in respect of lands in survey Nos.64/A etc. do not preclude the fifth respondent from passing the Award and fixing the market value, as assessed by him, in the light of the directions issued by this Court in W.P.No.10102 of 2004.

In view of the same, the writ petition is misconceived and the same is accordingly dismissed.

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12.10.2004

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To

1 The Secretary, Government of A.P., Revenue Department,

Secretariat, Hyderabad.
2 The Secretary, Government of Andhra Pradesh, Social Welfare

Department, Hyderabad.
3 The Chief Commissioner of Land Administration, Government of

Andhra Pradesh, Hyderabad.
4 The District Collector, Kurnool.
5 The Land Revenue Officer-cum-Revenue Divisional Officer, Adoni,

Kurnool District.

6 Two CCs to the Govt. Pleader for Revenue, High Court of A.P.,

Hydearbad (OUT)

7 Two CD copies.